

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GORDON E LINDSTROM, JR,

Plaintiff,

v.

SEQUIM ASSET SOLUTIONS LLC,

Defendant.

CASE NO. 2:21-cv-00894-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REMANDING CASE TO
SNOHOMISH COUNTY DISTRICT
COURT

Plaintiff initially filed this civil action on May 28, 2021, in Snohomish County District Court, alleging Defendant unlawfully reported his disputed credit card balance to credit agencies. (Dkt. No. 2-1 at 2.) On July 2, 2021, Defendant removed the case to this Court, (Dkt. No. 2.), and moved to dismiss Plaintiff's claims. (Dkt. No. 8). Plaintiff did not timely oppose Defendant's motion to dismiss and instead filed a Motion to Object, Remand, Make Whole, (Dkt. No. 12), and a Motion for Leave to Amend and/or Relief from Expired Deadline. (Dkt. No. 16.) The parties dispute whether Plaintiff's claims give rise to federal question jurisdiction such

1 that they are properly before this Court, and Plaintiff asks the Court to make him whole for
2 Defendant's improper removal of this action. (Dkt. Nos. 12 and 13.)

3 On November 3, 2021, United States Magistrate Judge S. Kate Vaughan issued a report
4 and recommendation ("R&R") recommending that Plaintiff's claim be remanded to Snohomish
5 County District Court due to ambiguity about whether it presents a federal question, but denying
6 Plaintiff's request to be made whole because Defendant's reading of Plaintiff's allegations was
7 objectively reasonable. (Dkt. No. 26 at 7-8.) Neither party has objected to the R&R.

8 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of the
9 Honorable S. Kate Vaughan, United States Magistrate Judge, any objections thereto, and the
10 remaining record, hereby finds and ORDERS as follows:

11 (1) The Court ADOPTS the Report and Recommendation;

12 (2) Plaintiff's Motion to Object, Remand, Make Whole, (Dkt. No. 12.), is GRANTED IN
13 PART and DENIED IN PART;

14 (3) This matter is REMANDED to Snohomish County District Court under 28 U.S.C.
15 § 1447(c) for lack of subject matter jurisdiction;


16 (4) Plaintiff's request for fees and costs under 28 U.S.C. § 1447(c) is DENIED;

17 (5) Defendant's Motion to Dismiss, (Dkt. No. 8.) is DENIED as moot;

18 (6) Plaintiff's Motion for Leave to Amend and/or Relief from Expired Deadline, (Dkt.
19 No. 16), is DENIED as moot;

20 (7) The Clerk is directed to send copies of this Order to the parties and to Judge
21 Vaughan.

1 Dated this 10th day of January, 2022.

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4 David G. Estudillo
5 United States District Judge
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